

**Darien Town Plan of
Conservation and Development, rev. 2016**

Environmental Protection Commission Comments

Discussed 2/4/2015. Released 3/6/15.

Darien's EPC has three roles in Town. Our primary function is to serve as Darien's Inland Wetlands and Watercourses Agency. We are also designated as the Town's Conservation Commission and Flood & Erosion Control Board. Whichever of these hats we wear, we are concerned with drainage. The Planning and Zoning Commission's decennial review and re-issue of Darien's Plan of Conservation and Development ("POCD") presents an opportunity for everyone to consider drainage infrastructure as a town-wide concern. None of us can snap our fingers to resolve Darien's storm water management problems, but even small bore policy adjustments may be effective.

Large, publicly funded projects are notoriously difficult to authorize and complete in Darien. Even projects that are funded and have permits can be complicated by other factors. Consider the Intervale Drainage Project, which, as EPC predicted, is delayed due to difficulties in acquiring easements from property owners at the project's terminus. Some projects are unlikely to advance beyond suggestion, usually due to concerns about cost, property rights and community disruption. Changing attitudes about recommended public projects that are perceived to have adverse impacts on individual property owners will not be easy.

The EPC continues to endorse the recommendations set forth in the Milone & MacBroom Study and the May 2010 Flood Mitigation Strategy Committee's report. We suggest that the recommendations be codified in the 2016 POCD. Additionally, preparing the 2016 POCD presents an opportunity for Darien to prioritize all drainage infrastructure projects downstream to upstream, and to standardize oversight and enforcement practices no matter which of the Town's land use boards has primary responsibility for a project or matter.

Areas of flooding concern often involve aging and undersized culverts and pipes that run under public roads and bridges controlled by the State of Connecticut or MetroNorth. It is in Darien's interest to keep abreast of (and evaluate) State or MetroNorth infrastructure initiatives, and to participate in any public comment proceedings that precede authorizing such projects. Without our input, outside agencies may not be aware that their projects offer opportunities to upgrade and upsize pipes to increase flow and capacity within Darien. Designating staff and/or Town officials to serve as an "advance team" for such matters may help such an effort.

Facing practical realities, we also endorse initiatives that capitalize on community spirit, public engagement and enlightened self-interest to help “soak up the rain.”¹ (See epa.gov/region1/soakuptherain.)

Such initiatives fall into three general categories:

- Tree Conservation;
- Space Acquisition and Preservation; and
- Green Infrastructure and Low Impact Development Practices.

Tree Conservation -- Trees are increasingly recognized for their importance in managing runoff.

- Tree roots take up water.
- Water that lands on leaves and branches evaporates.
- Roots create gaps in the soil that help water soak into the ground.

How do we encourage property owners to preserve trees on their properties and to add to their tree inventories?

- Organize rebate or coupon programs for tree purchases as town events, and according to a schedule (e.g., every other year during a designated week around Arbor Day; first-come-first served; one coupon per customer; up to \$XXXX dedicated to funding the event; available to Darien homeowners only). Coordinate with local nurseries, which may choose to offset some costs as a public service.
- Adopt a tree replacement guideline or regulation for property owners who bring applications to P&Z and/or EPC for activities on their properties.
- Encourage the RTM to enact a tree clearing ordinance, with penalties.
- Consider whether tree preservation/addition could be an element of storm water management plans for applicants seeking permits from P&Z and/or EPC.
- Provide incentives to subdivision, mixed-use and multiple unit developers to conserve or add trees as part of their projects.
- Take steps to be eligible to be designated as a Tree City by the Arbor Day Foundation
 - <http://www.arborday.org/programs/treeCityUSA/about.cfm>
 - 19 CT communities currently qualify, including Fairfield, New Canaan, Norwalk, Stamford and Wilton.

¹ We note that P&Z has already included many of these suggestions in the Drafts of POCD Booklets #3 and #4.

- Adopt a policy that trees planted along the right of ways are species that are better at withstanding intense weather.

Space Acquisition and Preservation – Undeveloped/open spaces are more likely to be permeable spaces.

How do we help the Town acquire properties and encourage all property owners to preserve undeveloped/open spaces?

- Authorize a Property Acquisition Fund. At one of P&Z's POCD meetings, former P&Z Chairman Fred Conze observed that the Town is at a distinct disadvantage to acquire property when its competition is a developer. The process to authorize purchases and fund them necessarily takes time, as the Town is deploying taxpayer money for an unbudgeted purpose. One possible solution: adopt and codify a policy to dedicate a portion of each year's tax collection to a Property Acquisition Fund (e.g., up to 1 mill annually). With this money, which will have been authorized through the annual budget process (and compound over time), the Town can be more nimble when opportunities to acquire properties arise.
- EPC notes that POCD materials suggest purchasing Ox Ridge Hunt Club and Zeigler Property. To pursue such large acquisitions, any Property Acquisition Fund would have to be supplemented from many sources.
- Prioritize possible acquisitions by identifying properties that expand or connect parks, protect natural resources (e.g., coastline, watercourses, wetlands), or promote drainage goals.
- Provide incentives (e.g., proportional tax abatements for specified time periods, such as 5-10 years) to property owners, especially sub-divisions, mixed-use, and multiple unit developers that set aside open space through permanent conservation easements. Where possible, coordinate with tree preservation above. All such easements to be marked by plaques, and subject to maintenance plans.
- Identify and designate important vistas for preservation.

Green Infrastructure and Low Impact Development ("LID") Practices – For a town like Darien, "green infrastructure" refers to stormwater management systems that mimic nature to soak up and store rain water.

How do we promote the implementation of Green Infrastructure and LID?

- Adopt policies/regulations and provide incentives to encourage residential and commercial property owners to use the following as part of their storm water management plans:
 - Drain rooftops to rain barrels/cisterns or other permeable structures

- Promote grey water irrigation
- Rain gardens
- Native landscaping, rather than lawns
- Green roofs
- Vegetated swales
- Bioswale structures along streets and in parking lots. Coordinate with sidewalk and public parking initiatives.
- Pervious pavement, pavers or cement

Wish List – The foregoing suggestions are less intrusive and disruptive than large scale public projects. Hence, they may be more realistic in the near term. That said, EPC has a wish list:

- As noted above, seize opportunities to influence the State and MetroNorth to upgrade and upsize their pipes to increase flow and capacity when either undertakes infrastructure projects within Darien.
- Dredge Gorham's Pond.

A Final Word -- Any approaches Darien chooses to protect its resources and people from the devastating effects of excess water must be broadly accepted and well monitored. Public relations are critical to developing community support for such initiatives. By simply requiring the installation of signs or markers where incentivized activities have taken place or as part of granting P&Z and/or EPC permits, folks will be reminded of their importance to the well-being of individual property owners, and all of us.